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Attorneys for Plaintiff

ELOHIM EPF USA, INC.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

ELOHIM EPF USA, INC., a California  
Corporation,

Plaintiff,

vs.

162 D & Y CORP., a New York  
corporation d/b/a FLOWER  
KARAOKE; DONG HYUN HA, an  
individual; MANHATTAN ZILLER  
ZILLER, INC., a New York  
corporation d/b/a K2 KARAOKE;  
YURIND LEE, an individual; Y & P  
BAYSIDE CORP., a New York  
corporation d/b/a HAPPY KARAOKE;  
PHIL SOOK CHO, an individual; SING  
SING BELL, INC., a New York  
corporation d/b/a CHRISTMAS  
KARAOKE; JIN E AN,  
an individual; MUSICBOX KTV, INC.,  
a New York corporation d/b/a MUSIC  
BOX K-TV; ANTHONY KIM, an  
individual; M & S MUSIC STUDIO,  
INC., a New York corporation d/b/a  
GAGOPA KARAOKE; HYE KYUNG  
HAN, an individual; SS NOBLESSE  
HOUSE. INC.. a New York

Case No.:

**COMPLAINT FOR**

- 1. DIRECT COPYRIGHT  
INFRINGEMENT;**
- 2. CONTRIBUTORY  
COPYRIGHT  
INFIRNGEMENT**
- 3. VICARIOUS COPYRIGHT  
INFRINGEMENT;**
- 4. INDUCING COPYRIGHT  
INFRINGEMENT**

**JURY DEMAND**

1 corporation d/b/a NOBLESSE HOUSE; )  
 2 YINGHUA HUANG, an individual; )  
 3 PLACE OF HAPPY & LUCKY INC., )  
 4 a New York corporation d/b/a THE )  
 5 KING KARAOKE; GUNHA SONG, an )  
 6 individual; NORAE HAHNUN JIB )  
 7 CORP., a New York corporation d/b/a )  
 8 OPEN KARAOKE; DONG HYUN )  
 9 HA, an individual; BIZMAX NY, INC., )  
 10 a New York corporation d/b/a WOW )  
 11 KARAOKE; LI BEOM KIM, an )  
 12 individual; HARMONY KARAOKE )  
 13 KTV, INC., a New York corporation )  
 14 d/b/a HARMONY KARAOKE; )  
 15 JOSEPH N. ZOINO, an individual; )  
 16 SWEETIE & VIP, INC., a New York )  
 17 corporation d/b/a I LUV LUXURY )  
 18 ROOM; KYUNG A. CHUNG, an )  
 19 individual; YS2 ENTERPRISES, INC., )  
 20 a New York corporation d/b/a CEO )  
 21 BUSINESS CLUB; HYUN HAK YI, )  
 22 an individual; EUNSIK SUN, an )  
 23 individual; G S GLOBAL CORP, a )  
 24 New York corporation d/b/a RED; )  
 25 DAVID RHEE , an individual; )  
 26 SOMETHING 1, INC., a New York )  
 27 corporation d/b/a SOMETHING; )  
 28 SUNNY TAE KIM, an individual; )  
 SAGWA NAMOO, INC., a New York )  
 corporation d/b/a SAGWA NAMOO; )  
 KYUNG SOON NAM, an individual; )  
 TOMATO 162, INC., a New York )  
 corporation d/b/a TOMATO )  
 KARAOKE ROOM; SUNG LAW )  
 KIM, an individual; and DOES 1 )  
 through 20, inclusive )

Defendants.

Plaintiff Elohim EPF, USA, Inc. alleges as follows:

## I

### JURISDICTION

1. This court has subject matter jurisdiction over this action because it arises under the laws of the United States, 28 U.S.C. § 1331, more particularly,

1 because it arises under an Act of Congress relating to copyrights, 28 U.S.C. §  
2 1338, namely, the Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.*

3  
4 **II**  
5 **VENUE**

6 2. Venue is proper in this district pursuant to 28 U.S.C. § 1400(a), in  
7 that all of the defendants, or their agents, reside or may be found in the district.

8 3. Venue is also proper in this district pursuant to 28 U.S.C. §  
9 1391(b) in that either: (1) one or more defendants reside in this district, and all  
10 defendants reside in this state; (2) a substantial part of the events or omissions  
11 giving rise to the claim occurred in this district; or (3) at least one defendant  
12 resides in this district, if there is no district in which the action may otherwise  
13 be brought.

14  
15 **III**  
16 **PARTIES**

17 4. Plaintiff ELOHIM EPF USA, INC. (“Elohim”) is a corporation  
18 duly organized and existing under the laws of the State of California, with its  
19 principal place of business in La Habra, California. Elohim is the United States  
20 sub-publisher for a substantial number of music publishers in the Republic of  
21 Korea (“Korea”) and, as such, controls the right to license compositions for  
22 those publishers in the United States.

23 5. Defendant 162 D & Y CORP. (“D & Y”) is a limited liability  
24 company duly licensed and existing under the laws of the State of New York,  
25 with its principal place of business in Flushing, New York. D & Y operates,  
26 maintains and controls an establishment known as FLOWER KARAOKE  
27

1 (“FLOWER”) located at 162-05 Crocheron Avenue, Flushing, New York  
2 11358, in this district. FLOWER contains and operates karaoke machine(s) on  
3 its premises. D & Y has a direct financial interest in FLOWER.

4 6. Defendant DONG HYUN HA is, upon information and belief, a  
5 resident of Queens County, and the Chief Executive Officer of D & Y. Upon  
6 information and belief, DONG HYUN HA directs, controls and ratifies the  
7 operation and management of D & Y d/b/a FLOWER, and has a direct financial  
8 interest in D & Y d/b/a FLOWER. DONG HYUN HA is the moving force  
9 behind the infringing activity alleged herein and is personally liable for such  
10 infringement.

11 7. Defendant MANHATTAN ZILLER ZILLER, INC.  
12 (“MANHATTAN ZILLER”) is a corporation duly licensed and existing under  
13 the laws of the State of New York, with its principal place of business in New  
14 York, New York. MANHATTAN ZILLER operates, maintains and controls an  
15 establishment known as K2 KARAOKE (“K2 KARAOKE”) located at 2 W.  
16 32<sup>nd</sup> Street, New York, NY 10001. K2 KARAOKE contains and operates  
17 karaoke machine(s) on its premises. MANHATTAN ZILLER has a direct  
18 financial interest in K2 KARAOKE.

19 8. Defendant YURIND LEE is, upon information and belief, a  
20 resident of New York County, and the Chief Executive Officer of  
21 MANHATTAN ZILLER. Upon information and belief, YURIND LEE directs,  
22 controls and ratifies the operation and management of MANHATTAN ZILLER  
23 d/b/a K2 KARAOKE, and has a direct financial interest in MANHATTAN  
24 ZILLER d/b/a K2 KARAOKE. YURIND LEE is the moving force behind the  
25 infringing activity alleged herein and is personally liable for such infringement.

1           9. Defendant Y & P BAYSIDE CORP. (“Y & P BAYSIDE”) is a  
2 corporation duly licensed and existing under the laws of the State of New York,  
3 with its principal place of business in Bayside, New York. Y & P BAYSIDE  
4 operates, maintains and controls an establishment known as HAPPY  
5 KARAOKE (“HAPPY KARAOKE”) located at 160-30 Northern Boulevard,  
6 Flushing, New York 11358, in this district. HAPPY KARAOKE contains and  
7 operates karaoke machine(s) on its premises. Y & P BAYSIDE has a direct  
8 financial interest in HAPPY KARAOKE.

9           10. Defendant PHIL SOOK CHO is, upon information and belief, a  
10 resident of Queens County, and the Chief Executive Officer of Y & P  
11 BAYSIDE. Upon information and belief, PHIL SOOK CHO directs, controls  
12 and ratifies the operation and management of Y & P BAYSIDE d/b/a HAPPY  
13 KARAOKE, and has a direct financial interest in Y & P BAYSIDE d/b/a  
14 HAPPY KARAOKE. PHIL SOOK CHO is the moving force behind the  
15 infringing activity alleged herein and is personally liable for such infringement.

16           11. Defendant SING SING BELL, INC. (“SING SING BELL”) is a  
17 corporation duly licensed and existing under the laws of the State of New York,  
18 with its principal place of business in Bayside, California. SING SING BELL  
19 operates, maintains and controls an establishment known as CHRISTMAS  
20 KARAOKE (“CHRISTMAS KARAOKE”) located at 47-29 Bell Boulevard,  
21 Bayside, New York, New York 11361, in this district. CHRISTMAS  
22 KARAOKE contains and operates karaoke machine(s) on its premises. SING  
23 SING BELL has a direct financial interest in CHRISTMAS KARAOKE.

24           12. Defendant JIN E AN is, upon information and belief, a resident of  
25 Queens County, and the Principal and/or Majority Owner of SING SING  
26 BELL. Upon information and belief, JIN E AN directs, controls and ratifies the  
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1 operation and management of SING SING BELL d/b/a CHRISTMAS  
2 KARAOKE, and has a direct financial interest in SING SING BELL d/b/a  
3 CHRISTMAS KARAOKE. JIN E AN is the moving force behind the  
4 infringing activity alleged herein and is personally liable for such infringement.

5 13. Defendant MUSICBOX KTV, INC. (“MUSICBOX”) is a  
6 corporation duly licensed and existing under the laws of the State of New York,  
7 with its principal place of business in Flushing, New York. MUSICBOX  
8 operates, maintains and controls an establishment known as MUSIC BOX K-  
9 TV (“MUSIC BOX K-TV”) located at 40-15 150st Queens, New York 11354,  
10 in this district. MUSIC BOX K-TV contains and operates karaoke machine(s)  
11 on its premises. MUSICBOX has a direct financial interest in MUSIC BOX K-  
12 TV.

13 14. Defendant ANTHONY KIM is, upon information and belief, a  
14 resident of Queens County, and the Principal and/or Majority Owner of  
15 MUSICBOX. Upon information and belief, ANTHONY KIM directs, controls  
16 and ratifies the operation and management of MUSICBOX d/b/a MUSIC BOX  
17 K-TV, and has a direct financial interest in MUSICBOX d/b/a MUSIC BOX K-  
18 TV. ANTHONY KIM is the moving force behind the infringing activity  
19 alleged herein and is personally liable for such infringement.

20 15. Defendant M & S MUSIC STUDIO, INC. (“M & S MUSIC  
21 STUDIO”) is a corporation duly licensed and existing under the laws of the  
22 State of New York, with its principal place of business in New York, New  
23 York. M & S MUSIC STUDIO operates, maintains and controls an  
24 establishment known as GAGOPA KARAOKE (“GAGOPA KARAOKE”)  
25 located at 28 W. 32<sup>nd</sup> Street, 3<sup>rd</sup> Floor, New York, New York 10001, in this  
26 district. GAGOPA KARAOKE contains and operates karaoke machine(s) on its  
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1 premises. M & S MUSIC STUDIO has a direct financial interest in GAGOPA  
2 KARAOKE.

3 16. Defendant HYE KYUNG HAN is, upon information and belief, a  
4 resident of New York County, and the Principal and/or Majority Owner of M &  
5 S MUSIC STUDIO. Upon information and belief, HYE KYUNG HAN directs,  
6 controls and ratifies the operation and management of M & S MUSIC STUDIO  
7 d/b/a GAGOPA KARAOKE, and has a direct financial interest in M & S  
8 MUSIC STUDIO d/b/a GAGOPA KARAOKE. HYE KYUNG HAN is the  
9 moving force behind the infringing activity alleged herein and is personally  
10 liable for such infringement.

11 17. Defendant SS NOBLESSE HOUSE, INC. (“SS NOBLESSE  
12 HOUSE”) is a corporation duly licensed and existing under the laws of the State  
13 of New York, with its principal place of business in Flushing, New York. SS  
14 NOBLESSE HOUSE operates, maintains and controls an establishment known  
15 as NOBLESSE HOUSE (“NOBLESSE HOUSE”) located at 149-38 41<sup>st</sup>  
16 Avenue, Flushing, New York 11355, in this district. NOBLESSE HOUSE  
17 contains and operates karaoke machine(s) on its premises. SS NOBLESSE  
18 HOUSE has a direct financial interest in NOBLESSE HOUSE.

19 18. Defendant YINGHUA HUANG is, upon information and belief, a  
20 resident of Queens County, and the Principal and/or Majority Owner of SS  
21 NOBLESSE HOUSE. Upon information and belief, YINGHUA HUANG  
22 directs, controls and ratifies the operation and management of SS NOBLESSE  
23 HOUSE d/b/a NOBLESSE HOUSE, and has a direct financial interest in SS  
24 NOBLESSE HOUSE d/b/a NOBLESSE HOUSE. YINGHUA HUANG is the  
25 moving force behind the infringing activity alleged herein and is personally  
26 liable for such infringement.



1           19. Defendant PLACE OF HAPPY & LUCKY INC. (“HAPPY &  
2 LUCKY”) is a corporation duly licensed and existing under the laws of the  
3 State of New Jersey, with its principal place of business in Flushing, New York.  
4 HAPPY & LUCKY operates, maintains and controls an establishment known as  
5 THE KING KARAOKE (“KING KARAOKE”) located at 34-36 Union Street,  
6 Flushing, New York 11354, in this district. HAPPY & LUCKY contains and  
7 operates karaoke machine(s) on its premises. HAPPY & LUCKY has a direct  
8 financial interest in KING KARAOKE.

9           20. Defendant GUNHA SONG is, upon information and belief, a  
10 resident of Queens County, and the Owner of HAPPY & LUCKY. Upon  
11 information and belief, GUNHA SONG directs, controls and ratifies the  
12 operation and management of HAPPY & LUCKY d/b/a KING KARAOKE and  
13 has a direct financial interest in HAPPY & LUCKY d/b/a KING KARAOKE.  
14 GUNHA SONG is the moving force behind the infringing activity alleged  
15 herein and is personally liable for such infringement.

16           21. Defendant NORAE HAHNUN JIB CORP. (“NORAE HAHNUN  
17 JIB”) is a corporation duly licensed and existing under the laws of the State of  
18 New York, with its principal place of business in Flushing, New York.  
19 NORAE HAHNUN JIB operates, maintains and controls an establishment  
20 known as OPEN KARAOKE (“OPEN KARAOKE”) located at 40-20 149<sup>th</sup>  
21 Place, Flushing, New York 11354, in this district. Open Karaoke contains and  
22 operates karaoke machine(s) on its premises. NORAE HAHNUN JIB has a  
23 direct financial interest in OPEN KARAOKE.

24           22. Defendant DONG HYUN HA is, upon information and belief, a  
25 resident of Queens County, and the Chief Executive Officer of NORAE  
26 HAHNUN JIB. Upon information and belief, DONG HYUN HA directs,  
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1 controls and ratifies the operation and management of NORAE HAHNUN JIB  
2 d/b/a OPEN KARAOKE, and has a direct financial interest in NORAE  
3 HAHNUN JIB d/b/a OPEN KARAOKE. DONG HYUN HA is the moving  
4 force behind the infringing activity alleged herein and is personally liable for  
5 such infringement.

6 23. Defendant BIZMAX NY, INC. (“BIZMAX NY”) is a corporation  
7 duly licensed and existing under the laws of the State of New York, with its  
8 principal place of business in New York, New York. BIZMAX NY operates,  
9 maintains and controls an establishment known as WOW KARAOKE (“WOW  
10 KARAOKE”) located at 10 W. 32<sup>nd</sup> Street, 4<sup>th</sup> Floor, New York, New York  
11 10001, in this district. WOW KARAOKE contains and operates karaoke  
12 machine(s) on its premises. BIZMAX NY has a direct financial interest in  
13 WOW KARAOKE.

14 24. Defendant LI BEOM KIM is, upon information and belief, a  
15 resident of New York County, and the Chief Executive Officer of BIZMAX  
16 NY. Upon information and belief, LI BEOM KIM directs, controls and ratifies  
17 the operation and management of BIZMAX NY d/b/a WOW KARAOKE, and  
18 has a direct financial interest in BIZMAX NY d/b/a WOW KARAOKE is the  
19 moving force behind the infringing activity alleged herein and is personally  
20 liable for such infringement.

21 25. Defendant HARMONY KARAOKE KTV, INC. (“HARMONY  
22 KARAOKE KTV”) is a corporation duly licensed and existing under the laws  
23 of the State of New York, with its principal place of business in Flushing, New  
24 York. HARMONY KARAOKE KTV operates, maintains and controls an  
25 establishment known as HARMONY KARAOKE (“HARMONY  
26 KARAOKE”) located at 41-13 150<sup>th</sup> Street, Flushing, New York 11355, in this  
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1 district. HARMONY KARAOKE contains and operates karaoke machine(s) on  
2 its premises. HARMONY KARAOKE KTV has a direct financial interest in  
3 HARMONY KARAOKE.

4 26. Defendant JOSEPH N. ZOINO is, upon information and belief, a  
5 resident of Queens County, and the Principal and/or Majority Owner of  
6 HARMONY KARAOKE KTV. Upon information and belief, JOSEPH N.  
7 ZOINO directs, controls and ratifies the operation and management of  
8 HARMONY KARAOKE KTV d/b/a HARMONY KARAOKE, and has a  
9 direct financial interest in HARMONY KARAOKE KTV d/b/a HARMONY  
10 KARAOKE. JOSEPH N. ZOINO is the moving force behind the infringing  
11 activity alleged herein and is personally liable for such infringement.

12 27. Defendant SWEETIE & VIP, INC. (“SWEETIE & VIP”) is a  
13 limited liability company duly licensed and existing under the laws of the State  
14 of New York, with its principal place of business in Flushing, New York.  
15 SWEETIE & VIP operates, maintains and controls an establishment known as I  
16 LUV LUXURY ROOM CAFÉ (“I LUV”) located at 161-22 Northern  
17 Boulevard, Flushing, New York 11358, in this district. I LUV contains and  
18 operates karaoke machine(s) on its premises. SWEETIE & VIP has a direct  
19 financial interest in I LUV.

20 28. Defendant KYUNG A. CHUNG is, upon information and belief, a  
21 resident of Queens County, and the Chief Executive Officer of SWEETIE &  
22 VIP. Upon information and belief, KYUNG A. CHUNG directs, controls and  
23 ratifies the operation and management of SWEETIE & VIP d/b/a I LUV, and  
24 has a direct financial interest in SWEETIE & VIP d/b/a I LUV. KYUNG A.  
25 CHUNG is the moving force behind the infringing activity alleged herein and is  
26 personally liable for such infringement.

1           29. Defendant YS2 ENTERPRISES, INC. (“YS2 ENTERPRISES”) is  
2 a limited liability company duly licensed and existing under the laws of the  
3 State of New York, with its principal place of business in Flushing, New York.  
4 YS2 ENTERPRISES operates, maintains and controls an establishment known  
5 as CEO BUSINESS CLUB (“CEO BUSINESS CLUB”) located at 154-05  
6 Northern Boulevard, 2<sup>nd</sup> Floor, Flushing, New York 11354, in this district. CEO  
7 BUSINESS CLUB contains and operates karaoke machine(s) on its premises.  
8 YS2 ENTERPRISES has a direct financial interest in CEO BUSINESS CLUB.

9           30. Defendants HYUN HAK YI and EUNSIK SUN are, upon  
10 information and belief, residents of Queens County, and the Principals and/or  
11 Majority Owners of CEO BUSINESS CLUB. Upon information and belief,  
12 HYUN HAK YI and EUNSIK SUN direct, control and ratify the operation and  
13 management of YS2 ENTERPRISES d/b/a CEO BUSINESS CLUB, and has a  
14 direct financial interest in YS2 ENTERPRISES d/b/a CEO BUSINESS CLUB.  
15 HYUN HAK YI and EUNSIK SUN are the moving forces behind the infringing  
16 activity alleged herein and are personally liable for such infringement.

17           31. Defendant G S GLOBAL CORP (“G S GLOBAL”) is a limited  
18 liability company duly licensed and existing under the laws of the State of New  
19 York, with its principal place of business in Flushing, New York. G S  
20 GLOBAL operates, maintains and controls an establishment known as RED  
21 (“RED”) located at 161-21 Crocheron Avenue, Flushing, New York 11358, in  
22 this district. RED contains and operates karaoke machine(s) on its premises. G  
23 S GLOBAL has a direct financial interest in RED.

24           32. Defendant DAVID RHEE is, upon information and belief, a  
25 resident of Queens County, and the Principal and/or Majority Owner of G S  
26 GLOBAL. Upon information and belief, DAVID RHEE directs, controls and  
27

1 ratifies the operation and management of G S GLOBAL d/b/a RED, and has a  
2 direct financial interest in G S GLOBAL d/b/a RED. DAVID RHEE is the  
3 moving force behind the infringing activity alleged herein and is personally  
4 liable for such infringement.

5 33. Defendant SOMETHING 1, INC. (“SOMETHING 1”) is a limited  
6 liability company duly licensed and existing under the laws of the State of New  
7 York, with its principal place of business in Flushing, New York.  
8 SOMETHING 1 operates, maintains and controls an establishment known as  
9 SOMETHING (“SOMETHING”) located at 161-19 Crocheron Avenue,  
10 Flushing, New York 11358, in this district. SOMETHING contains and  
11 operates karaoke machine(s) on its premises. SOMETHING 1 has a direct  
12 financial interest in SOMETHING.

13 34. Defendant SUNNY TAE KIM is, upon information and belief, a  
14 resident of Queens County, and the Principal and/or Majority Owner of  
15 SOMETHING 1. Upon information and belief, SUNNY TAE KIM directs,  
16 controls and ratifies the operation and management of SOMETHING 1 d/b/a  
17 SOMETHING, and has a direct financial interest in SOMETHING 1 d/b/a  
18 SOMETHING. SUNNY TAE KIM is the moving force behind the infringing  
19 activity alleged herein and is personally liable for such infringement.

20 35. Defendant SAGWA NAMOO, INC. (“SAGWA NAMOO”) is a  
21 limited liability company duly licensed and existing under the laws of the State  
22 of New York, with its principal place of business in Flushing, New York.  
23 SAGWA NAMOO operates, maintains and controls an establishment known as  
24 SAGWA NAMOO (“SAGWA”) located at 162-07 Depot Road, Flushing, New  
25 York 11358, in this district. SAGWA contains and operates karaoke machine(s)  
26 on its premises. SAGWA NAMOO has a direct financial interest in SAGWA.

1           36. Defendant KYUNG SOON NAM is, upon information and belief,  
2 a resident of Queens County, and the Principal and/or Majority Owner of  
3 SAGWA NAMOO. Upon information and belief, KYUNG SOON NAM  
4 directs, controls and ratifies the operation and management of SAGWA  
5 NAMOO d/b/a SAGWA, and has a direct financial interest in SAGWA  
6 NAMOO d/b/a SAGWA. KYUNG SOON NAM is the moving force behind  
7 the infringing activity alleged herein and is personally liable for such  
8 infringement.

9           37. Defendant TOMATO 162, INC. (“TOMATO 162”) is a limited  
10 liability company duly licensed and existing under the laws of the State of New  
11 York, with its principal place of business in Flushing, New York. TOMATO  
12 162 operates, maintains and controls an establishment known as TOMATO  
13 KARAOKE ROOM (“TOMATO KARAOKE”) located at 41-18 162<sup>nd</sup> Street,  
14 Flushing, New York 11358, in this district. TOMATO KARAOKE contains and  
15 operates karaoke machine(s) on its premises. TOMATO 162 has a direct  
16 financial interest in TOMATO KARAOKE.

17           38. Defendant SUNG LAW KIM is, upon information and belief, a  
18 resident of Queens County, and the Principal and/or Majority Owner of  
19 TOMATO 162. Upon information and belief, KYUNG SOON NAM directs,  
20 controls and ratifies the operation and management of TOMATO 162 d/b/a  
21 TOMATO KARAOKE, and has a direct financial interest in TOMATO 162  
22 d/b/a TOMATO KARAOKE. SUNG LAW KIM is the moving force behind  
23 the infringing activity alleged herein and is personally liable for such  
24 infringement.

25           39. All of the aforementioned Defendants, and Doe defendants, when  
26 referred to collectively herein, shall be referred to as “Defendants.” The  
27

1 establishments that contain and operate karaoke machine(s) on their premises,  
2 when referred to collectively herein, shall be referred to as “Karaoke  
3 Establishments.”

4 12. All Defendants are joined pursuant to Fed. R. Civ. P. 20(a)(2).

5 13. Each of the Defendants publicly performs musical compositions  
6 and/or causes musical compositions to be publicly performed in connection  
7 with the operation of the Karaoke Establishments.

8 14. Plaintiff is ignorant of the true names and capacities of the  
9 Defendants sued herein as Does 1-20, inclusive, and therefore sues these  
10 Defendants by such fictitious names. Plaintiff will amend this Complaint to  
11 allege the true names and capacities when ascertained. Plaintiff is informed and  
12 believes, and on that basis alleges, that each of the fictitiously-named  
13 Defendants is responsible in some manner or capacity for the wrongful conduct  
14 alleged herein, and that Plaintiff’s loss as alleged herein was proximately and/or  
15 directly caused by such Defendants’ acts.

16 15. All of the claims for copyright infringement joined in this  
17 Complaint are governed and arise from or relate to the same transaction or  
18 occurrence, or series of transactions or occurrences, and one or more  
19 questions(s) of law or fact are common to all the parties. In particular, Plaintiff  
20 alleges that Defendants have infringed Plaintiff’s copyrights by performing or  
21 causing the performance of Plaintiff’s musical compositions without  
22 authorization. Thus, joinder of these claims will promote the convenient  
23 administration of justice and will avoid a multiplicity of separate, similar  
24 actions against Defendants.

1 IV

2 **FACTS COMMON TO ALL CLAIMS**

3 **Elohim EPF, USA, Inc.**

4 16. Commencing on or about July 1, 2013 and continuing through the  
5 present, Elohim has been and continues to be the exclusive “Subpublisher” in  
6 the United States and Canada of thousands of well-known and popular Korean  
7 music compositions (for a small number of these songs, Elohim acts as the  
8 publisher). These thousands of songs are referred to collectively herein as the  
9 “Compositions.”

10 17. A “Subpublisher” is a term of art in the music publishing industry,  
11 which means a person or entity that has received from the copyright owner(s) or  
12 various musical compositions a grant of the exclusive right in one (1) or more  
13 countries of the world to “Administer” such musical compositions. In the  
14 music publishing industry, a “publisher” differs from a “Subpublisher” in that  
15 the copyright owner usually grants the “publisher” the exclusive right to  
16 Administer musical compositions throughout the world, whereas a copyright  
17 owner usually grants one (1) or more “Subpublishers” the exclusive right to  
18 Administer musical compositions for a territory less than the entire world.

19 18. “Administer” is a term of art in the music publishing industry  
20 which means the right to license and grant all rights in the applicable musical  
21 compositions (and their copyrights), and to collect all monies earned in  
22 connection with such musical compositions.

23 19. Accordingly, pursuant to the terms of the Subpublishing  
24 agreements (or in certain specified instances, the publishing agreements)  
25 between Elohim and the copyright holders of the Compositions, Elohim  
26 registered certain Compositions with the U.S. Copyright Office (hereinafter  
27



collectively the “Registered Compositions”). Although Plaintiff contends that Defendants have infringed Plaintiff’s rights in all of the Compositions, this lawsuit concerns only the following Registered Compositions:

1. Jeong Sin I Na Gat Eot Na Bwa (PA 1-964-031)
2. Tteol Eo Jinda Nun Mul-I (PA 2-040-5479)
3. Go Hae (SR0000740303)
4. Gin Sang Meo Ri Geu Nyeo (SR0000733789)
5. Ma Boy (SR0000735001)
6. So Cool (SR0000735000)
7. Push Push (SR0000735000)
8. Gu Dae Wa Ham Ke (SR0000734414)
9. Neo Man Ul Nu Ki Myeo (SR0000734414)
10. Baramkyul (PA 2-028-619)
11. Sa Rang A (PA 1-964-033)
12. Ibyeol-Eun Sarang Dwileul Ttalawa (PA 2-028-639)
13. Ga Sum A-Pa Do (PA0001964037)
14. Hoe Sang (PA 2-040-867)
15. Sal Man Jji Go (PA 2-040-538)
16. Gondrae Mandrae (PA0001964047)
17. It Ji Mal A Yo (PA0001963957)
18. Kong Kak Ji (PA0001964035)
19. Ni Kka Jit Ge (SR0000735000)
20. Ga Sik Girl (SR0000735000)
21. Bae A Pa (SR0000733789)
22. Gil Eul Geot Da Ga (SR0000733789)
23. Sa Rang Ha Go Sip Eo (SR0000733789)

1           24. Love Attack (SR0000751707)

2           25. Hot Boy\_Big Star (PA 2-028-617)

3           20. Elohim is the exclusive owner of the United States copyright in  
4 and to the Registered Compositions.

5           21. During all periods relevant to this action, Elohim has had and  
6 continues to have the exclusive rights in the copyright under the Copyright Act  
7 to the Registered Compositions, including a) the exclusive right to reproduce  
8 the Registered Compositions in copies or phonorecords (17 U.S.C. § 106(1)); b)  
9 the exclusive right to prepare derivative works based on the Registered  
10 Compositions (17 U.S.C. § 106(2)); c) the exclusive right to distribute copies or  
11 phonorecords of the Registered Compositions in the public by sale, rental, lease  
12 or lending (17 U.S.C. § 106(3)); d) the exclusive right to perform the Registered  
13 Compositions publicly (17 U.S.C. § 106(4)); and e) the exclusive right to  
14 *display* the Registered Compositions publicly (17 U.S.C. § 106(5)).

15           22. Within the past three years Defendants have, in the Karaoke  
16 Establishments, publicly performed and displayed and/or caused the public  
17 performance and display or, the Registered Compositions by means of karaoke  
18 machines, video monitors and sound systems.

**Defendants**

23. Karaoke, which means “empty orchestra” in Japanese, is a multi-million dollar business. Karaoke recordings are re-recordings of hit songs with the lead vocal tracks either omitted (instrumental) or sung by sound-alike artists (learning track). Lyrics are usually displayed on a video screen, along with a moving symbol, changing color, or music video image as a “prompt” to guide the singer in singing-along with the track.

24. According to public records, since on or about April 2017, Defendants have, and continue to, own and operate various so-called “karaoke bars” in the city of Santa Clara. Defendants charge customers money for access to the many karaoke machines that Defendants have placed in the Karaoke Establishments described herein. The karaoke machines, and the interaction of the customers with those machines, are the primary features of the experience for which customers pay Defendants. Without karaoke music, Defendants would not be able to operate their businesses *at all*, and would earn no revenue; karaoke music is Defendants’ stock-in-trade.

25. Upon entering a Karaoke Establishment, one of Defendants’ employees will assign patrons to one of the multiple individual karaoke rooms located therein. In these individual karaoke rooms, Defendants have set up a karaoke machine, video monitor, and sound system (e.g., speakers, amplifier and microphone) such that patrons can access and perform the musical compositions pre-recorded onto the karaoke machines, which compositions include the Registered Compositions. Within each room there is also a binder that lists all of the karaoke musical compositions (i.e., songs) by name and number, for selection by customers, and which include the Registered

1 Compositions. After a patron selects a certain musical composition, the  
2 instrumental music for the composition is played over the sound system, while  
3 concurrently a video monitor displays the lyrics for the musical composition so  
4 that the patron can sing along.

5 26. A fundamental legal requirement for publicly performing  
6 copyrighted musical compositions embodied in karaoke recordings is a license  
7 granting the right of public performance, which must be obtained from the  
8 owner and/or administrator of the copyright of the musical compositions to be  
9 performed. In addition, the public visual display of song lyrics on the video  
10 monitors of the karaoke machines enjoys independent copyright protection, and  
11 thereby requires a separate license granting the right of display, which must also  
12 be obtained from the owner and/or administrator of the musical compositions.

13 27. Here, Plaintiff has not granted Defendants the right to publicly  
14 perform or publicly display any of the Compositions. Moreover, Defendants  
15 have known that their continued public performance and public display of each  
16 of the Compositions constituted copyright infringement prior to the initiation of  
17 this action because Plaintiff sent cease and desist letters to Defendants. In  
18 addition, Plaintiff has made public announcements regarding such infringing  
19 conduct by Karaoke Establishments in order to educate them about such  
20 infringement, and urge them to stop, or acquire appropriate licenses. Thus,  
21 despite Defendants' knowledge that they lacked authorization to publicly  
22 perform or publicly display the Compositions, Defendants knowingly, willfully  
23 and intentionally continued their extensive use of each of the Compositions in  
24 their respective Karaoke Establishments and failed to pay Elohim for the right  
25 to publicly perform and publicly display each of the Compositions as required  
26 by 17 U.S.C. §§ 106(4) and (5).

**FIRST CLAIM FOR RELIEF FOR  
COPYRIGHT INFRINGEMENT  
(Against All Defendants)**

28. Plaintiff realleges and incorporates herein by reference each and every allegation set forth in Paragraphs 1 through 27, hereinabove, inclusive, as though set forth at length herein.

29. As set forth in detail above, Elohim is the copyright owner of the Registered Compositions and has the exclusive right to grant licenses for the public performance and public display of the Registered Compositions in the territory of the United States.

30. Since the inception of the Karaoke Establishments, Defendants have publicly performed and publicly displayed, and/or caused or authorized the public performance and public display, of each of the Registered Compositions by means of one or more karaoke machines and through elaborate and expensive sound systems and video monitors. Each of the public performances and public displays of the Compositions has been conducted without a license or authorization from Plaintiff.

31. Thus, Defendants have knowingly and intentionally authorized, caused, and engaged in the unlicensed public performance and public display of each of the Registered Compositions in violation of Plaintiff's exclusive rights under the Copyright Act, 17 U.S.C. §§ 106(4) and (5).

32. On information and belief, Defendants' unlawful conduct has continued since the inception of the Karaoke Establishments on a nightly basis and on such numerous occasions that recounting each specific instance of infringement is impossible.

1        33. Each unauthorized public performance of each of the Registered  
2 Compositions constitutes a separate and distinct act of direct copyright  
3 infringement.

4        34. Each unauthorized public display of each of the Registered  
5 Compositions constitutes a separate and distinct act of direct copyright  
6 infringement.

7        35. The specific acts of copyright infringement alleged in this  
8 Complaint, as well as Defendants' entire course of conduct, have caused and  
9 are causing Plaintiff significant damage. By continuing to provide unauthorized  
10 public performances and public displays of each of the Registered  
11 Compositions at their Karaoke Establishments, Defendants threaten to continue  
12 committing copyright infringement on essentially a daily basis. Unless this  
13 Court restrains Defendants  
14 from committing further acts of copyright infringement, Plaintiff will suffer  
15 irreparable injury for which it has no adequate remedy at law.

16        36. Plaintiff also seeks an order under 17 U.S.C. § 503, directing the  
17 impoundment, destruction or other reasonable disposition of all infringing  
18 karaoke machines.

19        37. Pursuant to 17 U.S.C. § 504(c), as a direct and proximate result of  
20 Defendants' direct infringement of Plaintiff's copyrights, Plaintiff is entitled to  
21 recover up to \$150,000 in statutory damages for each of the Registered  
22 Compositions infringed. Alternatively, at Plaintiff's election, pursuant to 17  
23 U.S.C. § 504(b), Plaintiff is entitled to its damages, including Defendants'  
24 profits from infringement, in connection with the Registered Compositions as  
25 will be proven at trial.

1           38. Plaintiff is also entitled to recover attorney's fees and costs  
2 pursuant to 17 U.S.C. § 505 and prejudgment interest according to law.  
3

4                           **SECOND CLAIM FOR RELIEF FOR**  
5                           **CONTRIBUTORY COPYRIGHT INFRINGEMENT**  
6                           **(Against All Defendants)**

7           39. Plaintiff realleges and incorporates herein by reference each and  
8 every allegation set forth in Paragraphs 1 through 38, hereinabove, inclusive, as  
9 though set forth at length herein.

10          40. As set forth in detail above, Elohim is the copyright owner of the  
11 Registered Compositions and has the exclusive right to grant licenses for the  
12 public performance and public display of the Registered Compositions in the  
13 territory of the United States.

14          41. Defendants charge patrons money to access the karaoke machines  
15 that Defendants have placed in the Karaoke Establishments. Patrons pay  
16 Defendants an hourly rate for access to one of Defendants' rooms, wherein  
17 patrons are provided the opportunity and ability to cause the public performance  
18 and public display of each of the Registered Compositions without a license.  
19 The sole purpose of the individual rooms is to provide patrons with a space to  
20 publicly perform and publicly display musical compositions (including the  
21 Registered Compositions) in the karaoke machines, and to charge patrons for  
22 such use.

23          42. By providing patrons the space and ability (i.e., by furnishing the  
24 individual rooms with a karaoke machine, video monitor and sound system to  
25 play recordings of the musical compositions and display their lyrics) to publicly  
26 perform and to publicly display each of the Registered Compositions,  
27



1 Defendants have knowingly and systematically induced, caused, materially  
2 contributed to and participated in the infringing activity.

3 43. Furthermore, as sophisticated business owners, Defendants know  
4 that they must have a license for the public performance and public display of  
5 the musical compositions in the karaoke machines that Defendants have on their  
6 premises. Prior to this litigation, Defendants were in receipt of, and/or were  
7 aware of, cease and desist letter(s) and/or public announcements/press releases  
8 warning Karaoke Establishments to secure the proper licensing for the karaoke  
9 machines and musical compositions thereon, particularly a license for the  
10 Compositions (which include the Registered Compositions).

11 44. By knowingly providing patrons unfettered access to publicly  
12 perform and publicly display each of the unlicensed Registered Compositions,  
13 Defendants have engaged in contributory copyright infringement. Despite  
14 Defendants' knowledge that they lacked authorization to publicly perform and  
15 to publicly display each of the Compositions, Defendants knowingly, willfully  
16 and intentionally continued to induce, cause or materially contribute to the  
17 infringement of Plaintiff's rights by holding themselves out as a "karaoke-bar"  
18 and providing patrons of the Karaoke Establishments with individual rooms  
19 equipped to publicly perform and  
20 display each of the Registered Compositions in violation of Plaintiff's rights  
21 under Sections 105(4) and 106(5) of the Copyright Act.

22 45. On information and belief, Defendants' contributory unlawful  
23 conduct has continued since the inception of the Karaoke Establishments on a  
24 nightly basis and on such numerous occasions that recounting every instance of  
25 infringement is impossible.

1        46. Each unauthorized public performance of each of the Registered  
2 Compositions constitutes a separate and distinct act of contributory copyright  
3 infringement.

4        47. Each unauthorized public display of each of the Registered  
5 Compositions constitutes a separate and distinct act of contributory copyright  
6 infringement.

7        48. Defendants' conduct has been and continues to be intentional,  
8 willful, and with full knowledge of Plaintiffs' rights in each of the Registered  
9 Compositions, and the contributory infringement thereof.

10        49. The specific acts of contributory copyright infringement alleged in  
11 this Complaint, as well as Defendants' entire course of conduct, have caused  
12 and are causing Plaintiff significant damage. By continuing to provide  
13 unauthorized public performances and public displays of each of the Registered  
14 Compositions at their Karaoke Establishments, Defendants threaten to continue  
15 committing copyright infringement on essentially a daily basis. Unless this  
16 Court restrains Defendants from committing further acts of copyright  
17 infringement, Plaintiff will suffer irreparable injury for which it has no adequate  
18 remedy at law.

19        50. Plaintiff also seeks an order under 17 U.S.C. § 503, directing the  
20 impoundment, destruction or other reasonable disposition of all infringing  
21 karaoke machines.

22        51. Pursuant to 17 U.S.C. § 504(c), as a direct and proximate result of  
23 Defendants' contributory infringement of Plaintiff's copyrights, Plaintiff is  
24 entitled to recover up to \$150,000 in statutory damages for each of the  
25 Registered Compositions. Alternatively, at Plaintiff's election, pursuant to 17  
26 U.S.C. § 504(b), Plaintiff is entitled to its damages, including Defendants'

1 profits from infringement, in connection with the Registered Compositions as  
2 will be proven at trial.

3 52. Plaintiff is also entitled to recovery attorney's fees and costs  
4 pursuant to 17 U.S.C. § 505 and prejudgment interest according to law.

5 **THIRD CLAIM FOR RELIEF FOR**  
6 **VICARIOUS COPYRIGHT INFRINGEMENT**  
7 **(Against All Defendants)**

8 53. Plaintiff realleges and incorporates herein by reference each and  
9 every allegation set forth in Paragraphs 1 through 52, hereinabove, inclusive, as  
10 though set forth at length herein.

11 54. As set forth in detail above, Elohim is the copyright owner of the  
12 Registered Compositions and has the exclusive right to grant licenses for the  
13 public performance and public display of the Registered Compositions in the  
14 territory of the United States.

15 55. Defendants charge patrons money to access the karaoke machines  
16 that Defendants have placed in the Karaoke Establishments. Patrons pay  
17 Defendants an hourly rate for access to one of Defendants' rooms, wherein  
18 patrons are provided the opportunity and ability to cause the public performance  
19 and public display of each of the Registered Compositions without a license.  
20 The sole purpose of the individual rooms is to provide patrons with a space to  
21 publicly perform and publicly display musical compositions (including the  
22 Registered Compositions) in the karaoke machines, and to charge patrons for  
23 such use. In turn, Defendants have a direct financial interest in their patrons'  
24 unlawful public performance and public display of each of the Registered  
25 Compositions, as Defendants receive income directly from such use.

1        56. Defendants have absolute control over the use of the karaoke  
2 machines on their premises, as well as their patrons' access so such karaoke  
3 machines and individual karaoke rooms. Thus, Defendants have the right and  
4 ability to supervise,  
5 control and stop the unlicensed public performance and unlicensed public  
6 display of each of the Registered Compositions by Defendants' patrons.

7        57. As sophisticated business owners, Defendants know that they must  
8 have a license for the public performance and public display of the musical  
9 compositions in the karaoke machines that Defendants have on their premises.  
10 Furthermore, prior to this litigation, Defendants were in receipt of, and/or were  
11 aware of, cease and desist letter(s) and/or public announcements/press releases  
12 warning Karaoke Establishments to secure the proper licensing for the karaoke  
13 machines and musical compositions thereon, particularly a license for the  
14 Compositions (which include the Registered Compositions).

15        58. By knowingly providing patrons unfettered access to publicly  
16 perform and publicly display each of the unlicensed Registered Compositions,  
17 and charging patrons for such use, Defendants profit from the direct  
18 infringement of Plaintiff's rights and thereby have engaged in vicarious  
19 copyright infringement. Despite Defendants' knowledge that they lacked  
20 authorization to publicly perform and to publicly display each of the  
21 Compositions, Defendants knowingly, willfully and intentionally continued to  
22 profit from such use and knowingly failed to stop it, notwithstanding their right  
23 and ability to supervise the infringement in violation of Plaintiff's rights under  
24 Sections 105(4) and 106(5) of the Copyright Act.

25        59. Since the inception of the Karaoke Establishments, Defendants  
26 have knowingly supervised and had a direct financial interest in the  
27

1 unauthorized public performance and unauthorized public display of each of the  
2 Registered Compositions. On information and belief, Defendants' contributory  
3 unlawful conduct has continued since the inception of the Karaoke  
4 Establishments on a nightly basis and on such numerous occasions that  
5 recounting every instance of infringement is impossible.

6 60. Each unauthorized public performance of each of the Registered  
7 Compositions constitutes a separate and distinct act of vicarious infringement.

8 61. Each unauthorized public display of each of the Registered  
9 Compositions constitutes a separate and distinct act of vicarious infringement.

10 62. Defendants' conduct has been and continues to be intentional,  
11 willful and with full knowledge of Plaintiff's rights in each of the  
12 Compositions, and the vicarious infringement thereof.

13 63. The specific acts of vicarious copyright infringement alleged in  
14 this Complaint, as well as Defendants' entire course of conduct, have caused  
15 and are causing Plaintiff significant damage. By continuing to provide  
16 unauthorized public performances and public displays of each of the Registered  
17 Compositions at their Karaoke Establishments, Defendants threaten to continue  
18 committing copyright infringement on essentially a daily basis. Unless this  
19 Court restrains Defendants  
20 from committing further acts of copyright infringement, Plaintiff will suffer  
21 irreparable injury for which it has no adequate remedy at law.

22 64. Plaintiff also seeks an order under 17 U.S.C. § 503, directing the  
23 impoundment, destruction or other reasonable disposition of all infringing  
24 karaoke machines.

25 65. Pursuant to 17 U.S.C. § 504(c), as a direct and proximate result of  
26 Defendants' vicarious infringement of Plaintiff's copyrights, Plaintiff is entitled  
27

1 to recover up to \$150,000 in statutory damages for each of the Registered  
2 Compositions. Alternatively, at Plaintiff's election, pursuant to 17 U.S.C. §  
3 504(b), Plaintiff is entitled to its damages, including Defendants' profits from  
4 infringement, in connection with the Registered Compositions as will be proven  
5 at trial.

6 66. Plaintiff is also entitled to recovery attorney's fees and costs  
7 pursuant to 17 U.S.C. § 505 and prejudgment interest according to law.

8 **FOURTH CLAIM FOR RELIEF FOR**  
9 **INDUCING COPYRIGHT INFRINGEMENT**

10 **(Against All Defendants)**

11 67. Plaintiff realleges and incorporates herein by reference each and  
12 every allegation set forth in Paragraphs 1 through 66, hereinabove, inclusive, as  
13 though set forth at length herein.

14 68. As set forth in detail above, Elohim is the copyright owner of the  
15 Registered Compositions and has the exclusive right to grant licenses for the  
16 public performance and public display of the Registered Compositions in the  
17 territory of the United States.

18 69. Defendants charge patrons money to access the karaoke machines  
19 that Defendants have placed in the Karaoke Establishments. Patrons pay  
20 Defendants an hourly rate for access to one of Defendants' rooms, wherein  
21 patrons are provided the opportunity and ability to cause the public performance  
22 and public display of each of the Registered Compositions without a license.  
23 The sole purpose of the individual rooms is to provide patrons with a space to  
24 publicly perform and publicly display musical compositions (including the  
25 Registered Compositions) in the karaoke machines, and to charge patrons for  
26 such use.

1           70. By providing patrons the space and ability (i.e., by furnishing the  
2 individual rooms with a karaoke machine, video monitor and sound system to  
3 play recordings of the musical compositions and display their lyrics) to publicly  
4 perform and to publicly display each of the Registered Compositions,  
5 Defendants actively promote, encourage and induce their patrons to infringe  
6 Plaintiff's rights in each of the Registered Compositions.

7           71. Furthermore, as sophisticated business owners, Defendants know  
8 that they must have a license for the public performance and public display of  
9 the musical compositions in the karaoke machines that Defendants have on their  
10 premises. Furthermore, prior to this litigation, Defendants were in receipt of,  
11 and/or were aware of, cease and desist letter(s) and/or public  
12 announcements/press releases warning Karaoke Establishments to secure the  
13 proper licensing for the karaoke machines and musical compositions thereon,  
14 particularly a license for the Compositions (which include the Registered  
15 Compositions).

16           72. On information and belief, Defendants' contributory unlawful  
17 conduct has continued since the inception of the Karaoke Establishments on a  
18 nightly basis and on such numerous occasions that recounting every instance of  
19 infringement is impossible.

20           73. Each unauthorized public performance of each of the Registered  
21 Compositions constitutes a separate and distinct act of inducing copyright  
22 infringement.

23           74. Each unauthorized public display of each of the Registered  
24 Compositions constitutes a separate and distinct act of inducing copyright  
25 infringement.



1        75. Defendants' conduct has been and continues to be intentional,  
2 willful and with full knowledge of Plaintiff's rights in each of the  
3 Compositions, and the inducement of infringement thereof.

4        76. The specific acts of vicarious copyright infringement alleged in  
5 this Complaint, as well as Defendants' entire course of conduct, have caused  
6 and are causing Plaintiff significant damage. By continuing to provide  
7 unauthorized public performances and public displays of each of the Registered  
8 Compositions at their Karaoke Establishments, Defendants threaten to continue  
9 committing copyright infringement on essentially a daily basis. Unless this  
10 Court restrains Defendants from committing further acts of copyright  
11 infringement, Plaintiff will suffer irreparable injury for which it has no adequate  
12 remedy at law.

13        77. Plaintiff also seeks an order under 17 U.S.C. § 503, directing the  
14 impoundment, destruction or other reasonable disposition of all infringing  
15 karaoke machines.

16        78. Pursuant to 17 U.S.C. § 504(c), as a direct and proximate result of  
17 Defendants' vicarious infringement of Plaintiff's copyrights, Plaintiff is entitled  
18 to recover up to \$150,000 in statutory damages for each of the Registered  
19 Compositions. Alternatively, at Plaintiff's election, pursuant to 17 U.S.C. §  
20 504(b), Plaintiff is entitled to its damages, including Defendants' profits from  
21 infringement, in connection with the Registered Compositions as will be proven  
22 at trial.

23        79. Plaintiff is also entitled to recover attorney's fees and costs  
24 pursuant to 17 U.S.C. § 505 and prejudgment interest according to law.  
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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

**On the First Claim for Direct Copyright Infringement against all Defendants:**

- A. For an order imposing a constructive trust over those monies obtained by Defendants as a result of their violation of the Copyright Act;
- B. For an award of damages, including actual damages and any gains, profits and advantages, obtained by Defendants as a result of their acts of infringement in an amount according to proof;
- C. For an award of statutory damages in an amount of up to \$150,000 for each of the Registered Works infringed according to proof at the time of trial;
- D. For a preliminary and permanent injunction prohibiting Defendants, and their agents, employees, servants, and anyone else acting in concert with them, from infringing, in any manner, the Registered Compositions, pursuant to 17 U.S.C. § 502;
- E. For an order directing the impoundment or other reasonable disposition of all infringing phonorecords and copies of each of the Registered Compositions, including all equipment containing copies or enabling performance or display of the Registered Compositions;
- F. For costs of suit, including reasonable attorney's fees pursuant to 17 U.S.C. § 505.

**On the Second Claim for Contributory Copyright Infringement against all Defendants:**

- A. For an order imposing a constructive trust over those monies obtained by Defendants as a result of their violation of the Copyright Act;
- B. For an award of damages, including actual damages and any gains, profits and advantages, obtained by Defendants as a result of their acts of infringement in an amount according to proof;
- C. For an award of statutory damages in an amount of up to \$150,000 for each of the Registered Works infringed according to proof at the time of trial;
- D. For a preliminary and permanent injunction prohibiting Defendants, and their agents, employees, servants, and anyone else acting in concert with them, from infringing, in any manner, the Registered Compositions, pursuant to 17 U.S.C. § 502;
- E. For an order directing the impoundment or other reasonable disposition of all infringing phonorecords and copies of each of the Registered Compositions, including all equipment containing copies or enabling performance or display of the Registered Compositions;
- F. For costs of suit, including reasonable attorney's fees pursuant to 17 U.S.C. § 505.

**On the Third Claim for Vicarious Infringement against all Defendants:**

- A. For an order imposing a constructive trust over those monies obtained by Defendants as a result of their violation of the Copyright Act;
- B. For an award of damages, including actual damages and any gains, profits and advantages, obtained by Defendants as a result of their acts of infringement in an amount according to proof;
- C. For an award of statutory damages in an amount of up to \$150,000 for each of the Registered Works infringed according to proof at the time of trial;
- D. For a preliminary and permanent injunction prohibiting Defendants, and their agents, employees, servants, and anyone else acting in concert with them, from infringing, in any manner, the Registered Compositions, pursuant to 17 U.S.C. § 502;
- E. For an order directing the impoundment or other reasonable disposition of all infringing phonorecords and copies of each of the Registered Compositions, including all equipment containing copies or enabling performance or display of the Registered Compositions;
- F. For costs of suit, including reasonable attorney's fees pursuant to 17 U.S.C. § 505.

**On the Fourth Claim for Inducing Infringement against all Defendants:**

- A. For an order imposing a constructive trust over those monies obtained by Defendants as a result of their violation of the Copyright Act;
- B. For an award of damages, including actual damages and any gains, profits and advantages, obtained by Defendants as a result of their acts of infringement in an amount according to proof;
- C. For an award of statutory damages in an amount of up to \$150,000 for each of the Registered Works infringed according to proof at the time of trial;
- D. For a preliminary and permanent injunction prohibiting Defendants, and their agents, employees, servants, and anyone else acting in concert with them, from infringing, in any manner, the Registered Compositions, pursuant to 17 U.S.C. § 502;
- E. For an order directing the impoundment or other reasonable disposition of all infringing phonorecords and copies of each of the Registered Compositions, including all equipment containing copies of or enabling performance or display of the Registered Compositions;
- F. For costs of suit, including reasonable attorney's fees pursuant to 17 U.S.C. § 505.

1 **On All Claims for Relief:**

- 2 A. For costs of suit incurred herein;
- 3 B. For prejudgment interest at the legal rate; and
- 4 C. For such other and further relief as the Court deems just and
- 5 proper.
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8 **CLEARY GIACOBBE ALFIERI JACOBS LLC**  
9 **Attorneys for Plaintiff**

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11 Dated: March 19, 2019

12 By: /s/ Richard A. Gantner  
Richard A. Gantner, Esq.

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**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a jury trial on all claims for relief which may be tried to a jury.

**CLEARY GIACOBBE ALFIERI JACOBS LLC**  
Attorneys for Plaintiff

Dated: March 19, 2019

By: /s/ Richard A. Gantner  
Richard A. Gantner, Esq.